

Exhibit "A"

December 1, 2015

Mayor & City Council
County-City Building
Lincoln, Nebraska 68508

RE: Report of Claims Against the City of Lincoln for November 1 through November 30, 2015

Dear Mayor & Council:

The following is a report of claims against the City of Lincoln which have been disposed of, or are pending, for the period of November 1 through November 30, 2015. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Allison Stutzman filed a claim during the month of November, 2015, in the amount of \$274.36 for damage allegedly incurred to vehicle as the result of rock/debris thrown from a road grader being operated in the area of 98th Street between Old Cheney and Pioneers. This claim has been reviewed by this office and has been **denied**.

Shane Alley and Amanda Wagner filed a claim during the month of November, 2015, in the amount of \$1,143.33 for damage allegedly incurred to vehicle as the result of pothole. This claim has been reviewed by this office and has been **denied**.

Mark Campa filed a claim during the month of November, 2015, in the amount of \$1,700.00 for damage allegedly incurred to vehicle as the result of pothole. This claim has been reviewed by this office and has been **denied**.

Robert R. Speer filed a claim during the month of November, 2015, in the amount of \$804.82 for damage allegedly incurred to vehicle as the result of pothole. This claim has been reviewed by this office and has been **denied**.

ALLOWED/SETTLED CLAIMS:

Mr. Rooter Plumbing filed a claim during the month of October, 2015, in the amount of \$3,180.00 for sewer line repair that Mr. Rooter Plumbing performed at 5025 Normal Blvd. in April 2015 due to alleged damage that occurred during backfilling by the City after original repair of sewer line by Mr. Rooter Plumbing in October 2014. This claim has been reviewed by this office and has been **allowed** in the amount of \$3,180.00.

Sheila Stutzman filed a claim during the month of November, 2015, in the amount of \$5,241.37 for damage incurred to vehicle as the result of accident involving a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$4,000.00.

LITIGATION SETTLEMENT:

Blanca Rincon-Flores filed a claim during the month of March, 2013, in the amount of \$20,000.00 for alleged injury incurred as the result of accident involving a City snowplow. This claim was withdrawn and suit was filed in the Lancaster County District Court. This case has been **settled** in the amount of \$10,000.00.

PENDING CLAIMS:

James McCown filed a claim during the month of December, 2013, in an unspecified amount for damage incurred to vehicle when allegedly struck by either a Lincoln Electric System vehicle or a Lincoln Water System vehicle. This claim is under review and is **pending**.

Jordan Kaiser filed a claim during the month of January, 2014, in an unspecified amount for damage incurred as the result of water main break. This claim is under review and is **pending**.

Jerry Spale filed a claim during the month of February, 2014, in the amount of \$21,500 for alleged injury incurred when claimant was a passenger on a StarTran bus that was involved in a motor vehicle accident. This claim is under review and is **pending**.

Jeffrey and April Morrison filed a claim during the month of February, 2014, in the amount of \$7,259.00 for damage incurred as the result of water main break. This claim is under review and is **pending**.

Maureen Ellis filed a claim during the month of April, 2014, in an unspecified amount for damage incurred as the result of water main break. This claim is under review and is **pending**.

Tobias Pelaez, Personal Representative of Estate of Fernando Pelaez Carmona filed a claim during the month of May, 2014, in the amount of \$1,000,000 alleging the death of Fernando Pelaez Carmona was caused by custodial conditions occurring during the time of his arrest by Lincoln police and his incarceration at the Lancaster County Correctional Center. This claim is under review and is **pending**.

Joshua Ryan Cozine and Anthony Charles Turner filed a claim during the month of May, 2014, in the amount of \$15,000 for alleged damages incurred as the result of actions by Library personnel. This claim is under review and is **pending**.

KI and Elizabeth Dayalu filed a claim during the month of July, 2014, in an unspecified amount for damage incurred to mailbox when it was allegedly struck by a street sweeper. This claim is under review and is **pending**.

Arbor Day Foundation filed a claim during the month of August, 2014, in the amount of \$4,594.52 for damage allegedly incurred as the result of water main break that occurred during P Street construction. This claim is under review and is **pending**.

United Fire & Casualty Company as subrogee of Bouwens Plumbing filed a claim during the month of August, 2014, in an unspecified amount for damage incurred to property owned by C Street LLC when water shot off valves installed by Bouwens Plumbing and supplied by Lincoln Water System malfunctioned causing water damage. **C Street LLC** filed a claim during the month of February, 2015, in the amount of \$12,630.90 for damage incurred to the property. This claim is under review and is **pending**.

Kejjan Hesso filed a claim during the month of September, 2014, in the amount of \$100,000.00 for injury incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

Lynda S. King filed a claim during the month of September, 2014, in an unspecified amount for alleged injury incurred while claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

Douglas House filed a claim during the month of October, 2014, in an unspecified amount alleging that his First, Fifth, and Fourteenth Amendment rights have been violated as the result of arrest by Lincoln police. This claim is under review and is **pending**.

Ashley Sams who is the surviving spouse of Stephen Sams filed a claim during the month of October, 2014, in an unspecified amount alleging the wrongful death of Stephen Sams who after his arrest by Lincoln Police attempted suicide in the jail and later died at the hospital. This claim is under review and is **pending**.

Steve LaFargue filed a claim during the month of October, 2014, in the amount of \$500,000 for injury allegedly incurred when claimant was rescued from a burning apartment building by Lincoln Fire and Rescue. This claim is under review and is **pending**.

Robert and Kathleen Harrop filed a claim during the month of October, 2014, in the amount of \$2,330.00 for alleged damage incurred to rental property as the result of action by Lincoln police during the execution of a no knock warrant. This claim is under review and is **pending**.

Larry Ball filed a claim during the month of November, 2014, in an unspecified amount alleging he incurred physical pain and emotional distress when he was arrested by Lincoln Police while distributing leaflets in front of Pinnacle Bank Arena. This claim is under review and is **pending**.

Olga Alfonso filed a claim during the month of December, 2014, in the amount of \$573.98 for cell phone that was allegedly misplaced by a Lincoln police officer. This claim is under review and is **pending**.

William Swearingen filed a claim during the month of January, 2015, in the amount of \$4,700.00 for damage allegedly incurred when Lincoln Water System employee was replacing water meter at claimant's home. This claim is under review and is **pending**.

Brett Smith filed a claim during the month of February, 2015, in an unspecified amount for damages incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

Iris Alvarado and Carlos Mungia Vazquez filed a claim during the month of February, 2015, in an unspecified amount for injuries incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

Michelle Martinez filed a claim during the month of March, 2015, in the amount of \$2,744.78 for damage allegedly incurred to vehicle when struck by rocks and gravel as the result of road construction activity near claimant's parked vehicle. This claim is under review and is **pending**.

Bailey Stewart filed a claim during the month of April, 2015, in the amount of \$2,434.24 for damage incurred to vehicle as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of April, 2015, in the amount of \$438.75 for damage allegedly incurred to cable by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

David E. Tarrence and Tamara K. Geis filed a claim during the month of April, 2015, in the amount of \$2,700,000 for alleged damages resulting from the search of claimants' home and vehicles by Lincoln police. This claim is under review and is **pending**.

EZ Go Stores filed a claim during the month of April, 2015, in an unspecified amount for damage allegedly incurred to sidewalk when a StarTran bus ran over it. This claim is under review and is **pending**.

Marshall Krcmarik filed a claim during the month of May, 2015, in an unspecified amount for damage allegedly incurred to tires as the result of debris at a street construction site. This claim is under review and is **pending**.

Joyce Scheyer filed a claim during the month of May, 2015, in the amount of \$270.41 for damage allegedly incurred to meter socket when electric service was turned off. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of May, 2015, in the amount of \$2,464.71 for damage allegedly incurred to cable by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Orscheln Farm & Home LLC filed a claim during the month of June, 2015, in the amount of \$7,896.81 for damage allegedly incurred to sewer line by and L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Michael and Tonya Have filed a claim during the month of June, 2015, in the amount of \$10,417.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

William Rezac filed a claim during the month of June, 2015, in the amount of \$28,499.67 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Guy R. Urbanek filed a claim during the month of June, 2015, in the amount of \$1,000.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Matthew and Sarah Wattier filed a claim during the month of June, 2015, in the amount of \$74,815.62 for damage incurred as the result of sewer backups on October 1, 2014, and May 7, 2015. This claim is under review and is **pending**.

Dorothy Oreskovich filed a claim in the amount of \$10,455.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Thelma Helgren filed a claim during the month of June, 2015, in the amount of \$2,850.28 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Kenneth and Lisa Harris filed a claim during the month of June, 2015, in the amount of \$4,630.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

William Stahn filed a claim during the month of June, 2015, in the amount of \$554.36 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Jerry Claycomb filed a claim during the month of June, 2015, in the amount of \$1,242.58 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Steven and Deborah Himmelberg filed a claim during the month of June, 2015, in the amount of \$10,943.49 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Runza filed a claim during the month of June, 2015, in the amount of \$8,729.28 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Dale and Kathleen Baker filed a claim during the month of June, 2015, in an unspecified amount for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Melva Hackbart and Lori Cook filed a claim during the month of June, 2015, in an unspecified amount for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

David and Debora Backhus filed a claim during the month of June, 2015, in the amount of \$6,936.93 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Amanda Vetter filed a claim during the month of June, 2015, in the amount of \$4,400.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Thomas Bender on behalf of Vera Bender filed a claim during the month of June, 2015, in the amount of \$2,728.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Minarick Investments LLC filed a claim during the month of June, 2015, in the amount of \$430.90 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Christine Franklin filed a claim during the month of June, 2015, in the amount of \$17,694.32 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Mark and Kathy Hoefs filed a claim during the month of June, 2015, in the amount of \$4,808.50 for clean-up and an unspecified amount for damages incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Brian and Danielle Willey filed a claim during the month of June, 2015, in the amount of \$10,380.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Richard Gonzalez filed a claim during the month of June, 2015, in the amount of \$7,400.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Gary and Phyllis Allen filed a claim during the month of June, 2015, in the amount of \$3,034.50 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Ronald and Pamela Brecka filed a claim during the month of June, 2015, in the amount of \$1,000 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

American Family Insurance as subrogee of Thomas and Virginia Street filed a claim during the month of July, 2015, in the amount of \$348.08 for damage allegedly incurred to insured's vehicle when wheel fell into an open manhole. This claim is under review and is **pending**.

Zachariah and Amber King filed a claim during the month of July, 2015, in the amount of \$1,000 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Colliers International filed a claim during the month of July, 2015, in the amount of \$5,912.95 for damage allegedly incurred to water line by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

William Lee Kolb filed a claim during the month of July, 2015, in the amount of \$2,350.00 for damage allegedly incurred to sewer line when L.E.S. was replacing utility poles. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Christian Fielder filed a claim during the month of July, 2015, in the amount of \$606.44 for damage incurred to vehicle when claimant struck a trailer that L.E.S. left parked near claimant's driveway. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

James Barratt filed a claim during the month of July, 2015, in the amount of \$1,039.62 for damage incurred as the result of sewer backup. This claim is under review and is **pending**.

Susan Dermer filed a claim during the month of August, 2015, in the amount of \$44,593.61 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Sharnick Compton filed a claim during the month of August, 2015, in the amount of \$250,000 for dog that was shot by a Lincoln police officer when officers were responding to a disturbance at claimant's home. This claim is under review and is **pending**.

Verdeen Stratton filed a claim during the month of August, 2015, in the amount of \$97.09 for damage allegedly incurred to oven as the result of power outage. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Trover Solutions, Inc. on behalf of IMT Insurance Co. as subrogee of Brock Shelton filed a subrogation claim during the month of August, 2015, in the amount \$5,000 for damage incurred to insured's property as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Emily Kline filed a claim during the month of August, 2015, in an unspecified amount for injury incurred as the result of trip on sidewalk. This claim is under review and is **pending**.

Sydney Cruise filed a claim during the month of September, 2015, in the amount of \$180.00 for expense incurred to hire electrician to identify that loss of power was an L.E.S. issue. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Mary Jean Higgins filed a claim during the month of September, 2015, in the amount of \$1.00 requesting refund of four quarters that she deposited in a parking meter that allegedly did not register time on the meter. This claim is under review and is **pending**.

Antonio Tyrone Williams filed a claim during the month of September, 2015, seeking compensation in the amount of \$10,800 for incarceration, loss of employment and wages, and mental anguish as the result of his arrest. This claim is under review and is **pending**.

Larry Speer (Speer Auto) filed a claim during the month of September, 2015, in the amount of \$11,641.37 for damage allegedly incurred to sewer line by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Lhonda and Paul Larson filed a claim during the month of October, 2015, in the amount of \$1,600.00 for damage allegedly incurred to water shut off valve during backfilling by the City after claimants had their water line repaired. This claim is under review and is **pending**.

Keo Sisavanh filed a claim during the month of October, 2015, in the amount of \$2.00 for reimbursement of money deposited into two parking meters that claimant alleges were malfunctioning. This claim is under review and is **pending**.

NEW CLAIMS FILED DURING THE PERIOD OF NOVEMBER 1 THROUGH NOVEMBER 30, 2015:

T. Pucha filed a claim in the amount of \$1.00 for reimbursement of money deposited into parking meter that claimant alleges was malfunctioning. This claim is under review and is **pending**.

Gary Kirby filed a claim in the amount of \$593.36 for damage incurred to vehicle when it was struck by a fire truck. This claim is under review and is **pending**.

Nebraska Textile and Supply filed a claim in the amount of \$3,900.00 for damage allegedly incurred to equipment as the result of interruption of electrical service when line was cut by a construction company working in the area. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

JT&K Services Inc. filed a claim in the amount of \$911.37 for work performed as the result of a sewer backup at 3730 North 56th Street, which property is owned by Ellie Lewis and occupied by McKinnis Roofing. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

Candace Polfus, individually and on behalf of her minor child, Robert M. Polfus, filed a claim in February, 2012, in the amount of \$50,000 for alleged injury incurred to Robert Polfus at Uni Pool. This claim was reviewed by this office and denial was approved by the Lincoln City Council on July 30, 2012. Suit was filed in the Lancaster County Court and litigation is **pending**.

Leroy Duffie filed a claim during the month of August, 2012, in the amount of \$200,000 alleging that he was injured during an incident involving Lincoln police. This claim was withdrawn and suit was filed in Lancaster County District Court. The case was transferred to the U.S. District Court and on June 3, 2015, the Court granted summary judgment in favor of the City and Lincoln police officers. Plaintiff has appealed to the U.S. Court of Appeals. Litigation is **pending**.

Ben and Leigh Lewis on behalf of Nathan Lewis filed a claim during the month of October, 2012, in the amount of \$220,000 for injury incurred when Nathan Lewis was riding his bicycle on railroad bridge at Wilderness Park and the wheel of his bicycle got caught between two railroad ties causing him to fall. This claim was reviewed by this office and denial was approved by the Lincoln City Council on February 25, 2013. Suit was filed in the Lancaster County District Court and litigation is **pending**.

Dawn Amory filed a claim during the month of November, 2012, in the amount of \$250,000 for alleged injury incurred as the result of trip and fall on sidewalk. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 17, 2012. Suit was filed in Lancaster County District Court. On August 13, 2015, the District Court granted summary judgment in favor of the City of Lincoln. Plaintiff has appealed to the Nebraska Court of Appeals. Litigation is **pending**.

Nationwide Insurance Co. as subrogee of Insured, James and Marti Harris filed a claim during the month of April, 2013, in the amount of \$9,799.42 for damage incurred to Insured's vehicle as the result of accident involving a police vehicle. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 17, 2013. Suit was filed in Lancaster County Court and litigation is **pending**.

Nicole Ulm filed a claim during the month of April, 2013, in the amount of \$200,000 for alleged damages incurred as the result of an accident involving a vehicle that was being operated by an individual who was fleeing from Police. This claim was withdrawn and suit was filed in the Lancaster County District Court. Litigation is **pending**.

John Craw filed a claim during the month of October, 2012, in the amount of \$200,000 alleging that he was misclassified as an independent contractor and wrongfully terminated from his position as the PGA Professional for the Holmes Golf Course. This claim was reviewed by this office and denial was approved by the Lincoln City Council on November 19, 2012. Suit was filed in the Lancaster County District Court and litigation is **pending**.

Elisa O'Dell and John O'Dell filed a claim during the month of April, 2014, in an unspecified amount for damages incurred as the result of a motor vehicle accident which claimant alleges was caused by malfunctioning traffic signal lights. This claim was reviewed by this office and denial was approved by the Lincoln City Council on April 28, 2014. Suit was filed in Lancaster County District Court and litigation is **pending**.

Shayla Funk filed a claim during the month of March, 2014, in the amount of \$1,200,000 alleging she was falsely arrested and suffered humiliation, inconvenience, mental anguish, loss of wages and earning capacity and damage to her reputation as the result of photographs posted of her on the "Crime Stoppers" website. Suit was filed in the Lancaster County District Court and judgment was found in favor of Plaintiff Shayla Funk. The City of Lincoln has filed an appeal to the Nebraska Court of Appeals. Litigation is **pending**.

Floyd Brown filed a claim during the month of April, 2013, in the amount of \$100,000 for injuries incurred as the result of an accident involving a StarTran bus. **State Farm Insurance** filed a subrogation claim in the amount of \$5,000 for medical benefits paid as the result of the accident. This claim was withdrawn and suit was filed in the Lancaster County District Court. Litigation is **pending**.

Michael Marsh filed a claim during the month of March, 2015, in the amount of \$250,000 for alleged injury incurred as the result of bicycle accident at a street construction site. Claimant alleges that due to inadequate warning he rode his bicycle into freshly poured concrete which caused him to be thrown from his bicycle. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

Luevonne Murrell filed a claim during the month of March, 2015, in an unspecified amount for alleged injury incurred when vehicle that claimant was a passenger in was struck by a City police vehicle. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

Submitted by City Law Department
c: Risk Management